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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/648,048	08/26/2003	Timothy Baker	0212.67615	3223
24978	7590	11/21/2005	EXAMINER	
GREER, BURNS & CRAIN 300 S WACKER DR 25TH FLOOR CHICAGO, IL 60606			CHOI, STEPHEN	
			ART UNIT	PAPER NUMBER
			3724	

DATE MAILED: 11/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/648,048	Applicant(s) BAKER, TIMOTHY	
	Examiner Stephen Choi	Art Unit 3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5 is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-13 is/are rejected.
- 7) ☒ Claim(s) 14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 August 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12/15/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "70" has been used to designate both line and lens. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Allowable Subject Matter

2. Upon careful reconsideration of claims, it has come to the examiner's attention that the limitations in claim 8, noted as allowable in the previous office action, in fact read on Maier in view of Anderson. The indicated allowability of claim 8 is being withdrawn and the following rejection applies. Any inconvenience caused by this late notice is regretted.

3. The indicated allowability of claim 13 is withdrawn in view of the newly discovered reference(s) to Kopras in view of Anderson. Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-4 and 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maier (US 2,900,856) in view of Anderson (US 5,982,059).

Maier discloses the invention substantially as claimed except for a magnet, an electrical circuit including at least one light producing device, and a lens. Anderson teaches a magnet (32) mounted on a rotatable shaft, an electric circuit (52) including at least one light producing device (54), and a lens (col. 5, line 35). It would have been obvious to one having ordinary skill in the art at the time the invention was made to employ a lighting assembly as taught by Anderson on the device of Maier in order to provide light onto a work without a separate external source of energy. Regarding claim 2, col. 5, lines 14-16 of Anderson. Regarding claim 3, col. 4, line 11-col. 5, line 12 of Anderson. Regarding claim 8, the element 26 of Anderson is C-shaped. Regarding claim 9, a distal end of 13 of Maier is capable of receiving a saw guard. Regarding claim 10, at 40 of Maier.

6. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Maier in view of Anderson as applied to claim 1 above, and further in view of Wu (US 6,481,130) and Dukess (US 4,334,522).

The modified device of Maier discloses the invention substantially as claimed except for the lens being made of a transparent plastic material and has an elongated narrow configuration. Wu teaches a transparent lens having an elongated narrow configuration. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a lens taught by Wu on the modified device of Maier in order to evenly illuminate a work. Although Wu does not expressly teach the lens being made of plastic material, a lens made of plastic material is old and well known as evidenced by Dukess.

7. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Maier in view of Anderson as applied to claim 1 above, and further in view Rubly (US 2,607,092).

The modified device of Maier discloses the invention substantially as claimed except for a compression band and a lever mechanism. Rubly discloses a compression band with a lever mechanism. It would have been obvious to one having ordinary skill in the art at the time the invention was made to employ a clamping mechanism as taught by Rubly on the modified device of Maier in order to secure the attachment.

8. Claims 1-4, 8-9, and 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koprass (US 6,048,260) in view of Anderson.

Koprass discloses the invention substantially as claimed except for a magnet, an electrical circuit including at least one light producing device, and a lens. Anderson teaches a magnet (32) mounted on a rotatable shaft, an electric circuit (52) including at least one light producing device (54), and a lens (col. 5, line 35). It would have been obvious to one having ordinary skill in the art at the time the invention was made to

employ a lighting assembly as taught by Anderson on the device of Kopras in order to provide light onto a work without a separate external source of energy. Regarding claim 2, col. 5, lines 14-16 of Anderson. Regarding claims 3 and 12, col. 4, line 11-col. 5, line 12 of Anderson. Regarding claim 8, the element 26 of Anderson is C-shaped.

9. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Maier in view of Kopras as applied to claim 1 above, and further in view of Wu (US 6,481,130) and Dukess (US 4,334,522).

The modified device of Kopras discloses the invention substantially as claimed except for the lens being made of a transparent plastic material and has an elongated narrow configuration. Wu teaches a transparent lens having an elongated narrow configuration. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a lens taught by Wu on the modified device of Kopras in order to evenly illuminate a work. Although Wu does not expressly teach the lens being made of plastic material, a lens made of plastic material is old and well known as evidenced by Dukess.

10. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Maier in view of Kopras as applied to claim 1 above, and further in view of Rubly (US 2,607,092).

The modified device of Kopras discloses the invention substantially as claimed except for a compression band and a lever mechanism. Rubly discloses a compression band with a lever mechanism. It would have been obvious to one having ordinary skill in the art at the time the invention was made to employ a clamping mechanism as taught by Rubly on the modified device of Kopras in order to secure the attachment.

Allowable Subject Matter

11. Claim 5 is allowed.
12. Claim 14 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

13. Applicant's arguments filed 19 September 2005 have been fully considered but they are not persuasive.

Applicant contends that neither Maier or Anderson disclose an attachment for a power tool, a lens in the housing adjacent the light producing device for admitting light to the exterior of the housing toward a tool, a housing having a mounting end and a distal end with the mounting end having a cylindrical opening sized to snugly fit on the nose end portion of a tool housing, and a housing having an input shaft journaled in bushings and having an engaging recess at one end portion.

The element 12 of Maier is attached to a motor assembly which is power generating device and snugly fit on a nose end portion until a threaded connection is tightened. Furthermore, Maier teaches an input shaft (10) journaled in the element 14 and having a recess (at 40). Moreover, the lens of Anderson is secured by a retainer in the housing adjacent to the element 54 and admits light to exterior of the housing toward a tool.

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Borcicky, Kopras et al., Hirschburger et al., and Uzumcu et al.

15. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Choi whose telephone number is 571-272-4504. The examiner can normally be reached on Monday-Thursday 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on 571-272-4514. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SC
15 November 2005


STEPHEN CHOI
PRIMARY EXAMINER